

Current as of
August 31, 1990

PUBLIC COMMENTS ON
THE EPA ETS POLICY GUIDE

NAME

1. Garfield Mahood, Executive Director,
Non-Smokers' Rights Association
Suite 308
344 Bloor Street
West Toronto, Ontario M5S 3A7

DATE: 7/18/90

COMMENT:

His comments were directed at both the draft risk assessment and the draft policy guide. He stated that the two EPA documents are credible and that his organization agreed with the observations noted and conclusions drawn by the EPA staff. He also requested that EPA review an enclosed copy of an article entitled "Through the Smokescreen", a critique of the ETS literature by the Tobacco Institute of New Zealand. Urged the EPA to remain tough in its defense of these documents. He referred to the tobacco industry's "flat earth society" view of science.

NAME

2. John Osborne
18730 56th Avenue NE
Seattle, WA 98155

DATE: 7/18/90

COMMENT:

Currently an EPA Region 10 employee. States that tobacco smoke is tolerated at higher risk levels than other contaminants. Both EPA documents are excellent and will be valuable tools for other agencies in regulating and perhaps eliminating most indoor smoking. Only acceptable alternative would be separately ventilated smoking rooms, negatively pressured and separately exhausted.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

3. John R. Myers
consultant to the plastics blown film industry
477 Maple Circle Drive
Cincinnati, OH 45346

DATE: 7/18/90

COMMENTS

Mr. Myers calls the determination that 3800 Americans died from second-hand smoke last year the result of "vague, statistically cooked numbers." He sarcastically requests to have a list of the 3800 people sent to him. He goes on to blast drug-addicts for not paying taxes while nicotine addicts do and then claims that there can be no justification for limiting the rights of cigarette addicts. Finally, he demands, "Please get to work on issues with more substance and leave this puny smoking issue in the hands of the local people, where it belongs."

NAME

4. Kevin Rosseel, Director
EPA's Public Information Center

DATE: 7/20/90

COMMENT:

Stated that his office no longer carries a stock of "Indoor Air Facts # 3: Ventilation and Air Quality in-Offices" as stated in the draft policy guide.

NAME

5. Robert Wentz, State Health Officer
Stephen L. McDonough, Chief, Preventive Health Section
North Dakota State Department of Health and Consolidated
Laboratories
State Capitol
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0200

DATE: 7/24/90

COMMENT:

Commentors state that the two draft documents reflect an accurate review of the health problems caused by passive smoking. They concur that ETS be classified as a Class A carcinogen. They recommend that the goal of the EPA should be smokefree workplaces and smokefree indoor environments. Separately vented smoking rooms should be listed as a less desirable alternative.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

6. Samuel D. Chilcote, Jr., President
The Tobacco Institute
1875 I Street NW
Suite ..
Washington, DC

DATE: 7/24/90

COMMENT:

Request for a 60 day public comment period extension.

NAME

7. Marvin Schneiderman
Box 423
Mt. Desert, MI 04660

DATE: 7/31/90

COMMENT:

Policy guide needs editing by scientific editor. Mentioned that there was nothing on the differences between black and white community, since blacks have more lung cancers than whites. Made specific notations on 26 different pages.

NAME

8. John L. Roberts, Ph.D., Regional Programme Manager
for Tobacco or Health
Smoke Free Europe
World Health Organization
Regional Office for Europe
8 Scherfigsvej DK-2100
Copenhagen, Denmark

DATE: 8/6/90

COMMENT:

Stated that the Indoor Air Division should be congratulated for preparing so timely a document in so clear and helpful style. Also that the summary of the legal position in the U.S. and the experience of US companies will be most helpful to those concerned about promoting tobacco control.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

9. Frank V. Keary, MD, Assistant Medical Director for Domestic Programs
Judith Berman- Nerenberg, Health Education Specialist
Department of State
Office of Medical Services
Department of State and the Foreign Service
Washington, DC 20520

DATE: 8/6/90

COMMENT:

Their opinion is that the most helpful logical and cost effective method of reducing ETS is a total ban indoors. They also had specific notations to change specific words in the document to strengthen language.

NAME

10. Larry Kraft, Professor of Law
University of North Dakota School of Law
Grand Forks, ND 58202

DATE: 8/7/90

COMMENT:

Based on his independent review of the references cited in the policy guide he comments that the EPA conclusions outlined in the draft document are correct, although he states that the numbers are significantly underestimated. He writes that he has gathered proof that the tobacco companies are sending magazines a strong message that they will pull food and tobacco ads from any publication that lets the public know the "true facts" about the hazards of secondhand smoke. Enclosed an article he wrote in 1988 "Smoking in Public Places: Living With a Dying Custom"

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

11. John Slade, MD, FACP
Chairman
Commission on Smoking OR Health
Cancer and Tobacco Use Control Program
New Jersey State Department of Health
CN 369, Trenton, NJ 08625-0369

DATE: 8/8/90

COMMENT:

Dr. Slade fully endorses EPA's risk assessment, but expresses disappointment over the study's failure to consider tobacco smoke pollution as a cause of coronary artery disease in nonsmokers. He goes on to express general agreement with the Guide and provides comments/criticisms of Chapters 5,7,8, and 12.

Slade suggests that Chapter 5 begin with "a clear indication that the first two options were the only options offering genuine public health protection from tobacco smoke pollution." He notes that Chapter 7 does not make clear "the need to offer treatment for nicotine dependence is often an ongoing need, extending well beyond the acute implementation phase." Third, he labels data found in Chapter 8 (p. 39) pertaining to smoker versus nonsmoker absenteeism as "almost certainly confounded." Finally, he categorizes the Chapter 12 comparison between nicotine addiction and heroin/cocaine addiction "an uninformed, naive view." Slade closes with a pledge to provide EPA with additional information upon request.

NAME

12. Fred Clark
5743 Willnean Dr.
Milford, OH 45150

DATE: 8/13/90

COMMENT:

A non-smoking federal employee in Cincinnati, Mr. Clark criticizes the 1986 GSA smoking control mandate which allows federal agencies to develop their own policies. He uses the Federal Office Building in Cincinnati, which houses many different federal agencies, as an example of the mandate's failure. He goes on to cite the Shimp v. N.J. Bell opinion of 1976 and encloses two pieces from the Cincinnati Enquirer to support a nonsmoker's rights in the workplace position.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

13. Robert A. Fox
President
Fresh Air for Nonsmokers
P.O. Box 24052
Seattle, WA 98124-0052

DATE: 8/13/90

COMMENT:

Mr. Fox advocates permanent adoption of the draft policy guide. However, he disagrees with two options provided in Chapter 5. He feels that smokers must be completely isolated from nonsmokers, separate ventilation systems should be installed, and the separations must be strictly enforced. Fox then asserts that providing rooms for smokers constitutes discrimination and draws a shaky parallel between asbestos and tobacco particulate. He closes with his organization's vote to issue the policy guide in its strongest form as soon as possible.

NAME

14. James F. Callahan, D.P.A.
Executive Director
American Society of Addiction Medicine, Inc. (ASAM)
12 West 21st Street
New York, NY 10010

DATE: 8/15/90

COMMENT:

Callahan's letter is almost identical to the comments submitted by Dr. John Slade. Callahan's comments applaud the Guide and express concern over chapters 5,7,8, and 12. Attached to Callahan's letter are the program for ASAM's 3rd National Conference on Nicotine Dependence and an article entitled "Smoking Cessation after Acute Myocardial Infarction: Effects of Nurse-Managed Intervention" by Taylor, Houston-Miller, Killen, and DeBusk.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

15. Stanton A. Glantz, Ph.D.
University of California, San Francisco
Moffitt Hospital, Room 1186
San Francisco, CA 94143-0124

DATE: 8/17/90

COMMENT:

Glantz comments on six sections of the guide. First, he notes that the total number of deaths per year (3,800) should appear on page 2. Second, he suggests that a paragraph from his recently presented paper on passive smoking and heart disease replace the Guide's statement on heart disease. Third, he recommends revision of the discussion of air cleaning found on pages 23-24. Fourth, he recommends that the section on nurses (p. 55) be rewritten to more accurately reflect nursing staffs' true reactions to the creation of smokefree hospitals. Fifth, Glantz cites Michael Eriksen's findings in advocating use of the term "smokefree workplace" instead of "ban" on p. 60 and throughout the Guide. Finally, he suggests adding Americans for Nonsmokers' Rights to the Guide's list of resources.

Glantz attaches a copy of his paper on passive smoking and heart disease.

NAME

16. John M. Dumais
President & CEO
New Hampshire Retail Grocers Association
110 Stark Street
Manchester, NH 03101

COMMENTS:

Mr. Dumais, a nonsmoker, comes off as a staunch smokers' rights advocate. He is concerned that EPA regulations currently under consideration are unnecessarily restrictive. He claims most New Hampshire businesses would find it "impossible and cost prohibitive" to maintain separately ventilated rooms. He mentions the National Institute of Occupational Safety and Health's (NIOSH) finding that tobacco smoke is responsible for only 2% of building complaints while ventilation problems were responsible for over 50%. Finally, he launches an attack on EPA for "jumping to conclusions" before the facts are in.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

17. Ronald D. Utt
Vice President
National Chamber Foundation
1615 H Street, N.W.
Washington, D.C. 20062

DATE: 8/21/90

COMMENT:

Utt writes to express concern about the process by which EPA has conducted recent studies resulting in the Guide and other publications. He cites the risk assessment's "exclusive and selective reliance on research conducted outside the EPA's otherwise vigorous scientific control procedures" and publication of the report prior to public or expert review. His chief concern is the report's "exclusive reliance on secondary studies, including several critical ones that were conducted outside the United States in cultures and environments substantially different from those that prevail domestically."

NAME

18. Lawrence Postol
Seyfarth, Shaw, Fairweather & Geraldson
815 Connecticut Avenue, N.W.
Washington, D.C. 20006-4004

DATE: 8/21/90

COMMENT:

Mr. Seyfarth comments on the effects of the Americans With Disability Act (signed into law on July 26, 1990) on the possibility of a smoke free workplace. He asserts that the Act's restrictions may limit an employer's ability to prohibit smoking in the workplace because "arguably a cigarette smoker is a disabled person because he is addicted to nicotine." He finds the discussion of this issue found on pages 31-32 of the Guide inadequate and suggests that the final report include a more substantial discussion of this issue.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

19. John A. Thomas, Ph.D.
The University of Texas
Health Science Center at San Antonio
7703 Floyd Curl Drive
San Antonio, Texas 78284-7722

DATE: 8/21/90

COMMENT:

Professor Thomas lists 17 short criticisms of the Guide. His comments can be loosely grouped into three categories: those which press EPA to accurately define terms, those which stress the fact that conclusions must accurately reflect scientific studies, and those which imply clarification or deletion of certain statements.

NAME

20. Prof. Dr. H. Magnussen
Krankenhaus GroBhansdorf
Zentrum Fur Pneumologie Und Thoraxchirurgie
Landersversi cherungsanstalt Freie und
Hansestadt Hamburg

DATE: 8/21/90

COMMENTS:

Magnussen writes to supply a copy of a manuscript entitled "Pediatric Pulmonology." His data reveal that Magnussen and his colleagues were unable to document an adverse effect of acute passive smoking on lung function and/or airway responsiveness. Magnussen's comment is primarily in response to EPA's statement on the health effects of ETS in asthmatics.

NAME

21. Leland L. Fairbanks, M.D., M.P.H.
1866 East Vinedo Lane
Tempe, AZ 85284

DATE: 8/27/90

COMMENT:

Dr. Fairbanks submits a substitute version of paragraph 1 on page 52. ("The Policy Development Process"). He believes his version of the paragraph will provide a historical context for the discussion of IHS.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

22. Milton Meckler, M.E.
President, Meckler Engineers Group
17525 Ventura Blvd., Suite 307
Encino, CA 91316-3871

DATE: 8/27/90

COMMENT:

Meckler supplies information on constant volume and variable air volume distribution systems, and gas phase ETS in order to correct and/or strengthen the Guide's statement linking ETS and particulate indoor air pollution. He attaches an article ("Ventilation/Air Distribution Cure "Sick Buildings") which he authored from the January 1985 edition of "Specifying Engineer."

NAME

23. Rob Perry
Co-Chairman, Get Rid of Second Hand Smoke
P.O. Box 765
Kiefer, OK 74041

DATE: 8/28/90

COMMENT:

Mr. Perry submits twelve brief comments. Several provide specific pieces of information clarifying statements made in the Guide, while many of the comments are very general. Perry attaches copies of (1) The Clean Indoor Air Ordinance of Austin, TX; (2) a reference to Grusendorf v. City of Oklahoma City; and (3) a smoking and tobacco products act by the State of Oklahoma on May 12, 1989 (effective 11/1/89).

NAME

24. Regina Carlson
Executive Director
New Jersey Group Against Smoking Pollution (GASP)
105 Mountain Avenue
Summit, NJ 07901

COMMENT:

Ms. Carlson writes to express disappointment over the draft. She views it as poorly written, but technically (scientifically) accurate. Carlson feels that "the guide should give the main conclusion (that only totally smokefree workplaces or workplaces with separately ventilated smoking areas really protect workers from ETS) major emphasis." She attaches a copy of the draft with her written comments (mostly grammatical/diction comments) as well as copies of "Toward a Smoke-Free Workplace" and "On the Air," both put out by GASP.

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POLICY GUIDE PUBLIC COMMENTS (Continued)

NAME

25. José A. Lambelet
Cigarette Technology Corporation
P.O. Box 8029
Foster City, CA 94404

DATE: 8/28/90

COMMENT:

Mr. Lambelet and his corporation provide information on ETS volume reduction through changing the cigarette. He mentions the Philip Morris/Virginia Slims, "superslims", as an example of a cigarette which produces "70% less smoke from the lit end." He claims that by changing the cigarette, "An ETS reduction (up to 80%) could be universal, applying to the workplace and to public as well as private places."

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